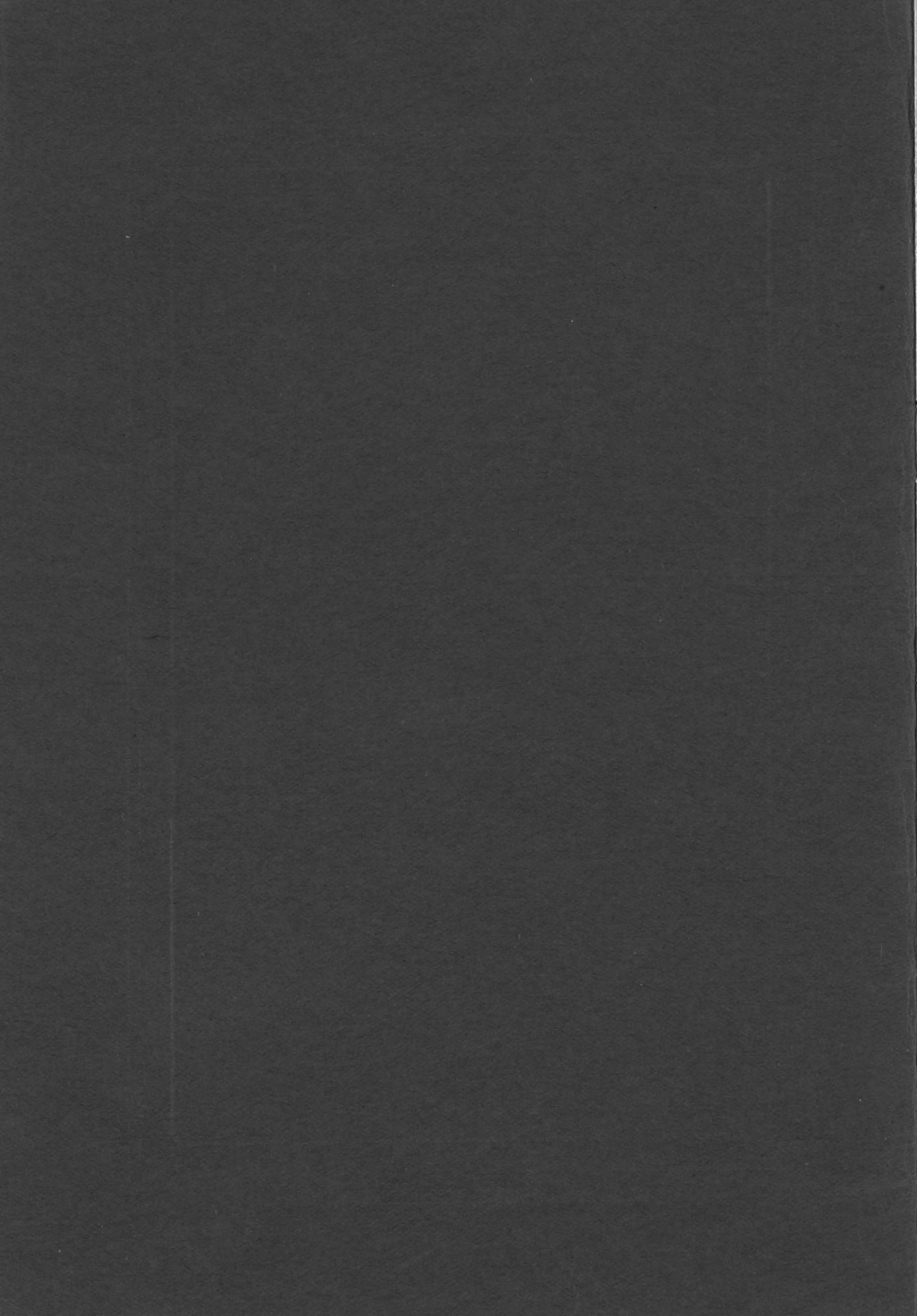


*By Law No. 42*  
*of*  
*Municipal District of*  
*Bow Valley*  
*No. 219*

*To Restrain and Regulate*  
*the Running at Large or*  
*Trespassing of Animals*



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## BY-LAW No. 42

**A By-law of the Municipal District of Bow Valley No. 219, for restraining animals at large.**

1. In this By-law, unless the context otherwise requires, the term "animal" means and includes horses, cattle, sheep, swine, goats and poultry.

2. No animal, the property of any person, resident or non-resident, within the said Municipal District of Bow Valley No. 219, shall at any time be at large in any part of said Municipal District.

3. In terms of this section, an animal shall be deemed to be at large which is not on the premises of its owner, and which is not under the control of the owner, either by being securely tethered or in direct or continuous charge of a herder, or by confinement within any building or other enclosure or lawful fence.

4. Any animal at large contrary to the provisions of this by-law may be impounded in the manner herein provided for.

5. Pounds shall be established as follows:-

Livery Stable, Namaka, R. H. Johnson, Poundkeeper.

Sec. 28-24-24 4th. M.—A. J. J. Weyers, Poundkeeper.

Sec. 31-21-25 4th. M.—Alfred Anderson, Poundkeeper.

Livery Stable, Strathmore, H. Ackerman, Poundkeeper.

Sec. 33-22-25 4th. M.—R. Marshall, Poundkeeper

Sec. 28-22-26 4th. M.—Geo. Fortney, Poundkeeper.

Sec. 32-23-26 4th. M.—W. J. Miller, Poundkeeper.

6. Lawful fence means a fence composed of three barbed wires, with posts not more than two rods apart, said wires to be securely fastened to the posts; "division or line fences between individuals, shall be such as will comply with the requirements of the Provincial Fence Act;" and any legal fence under the provisions of the Provincial Fence Act.

7. Any person claiming any damage for trespass by any animal impounded may, at the time of the impounding of such animal, deliver to the poundkeeper a statement in writing, showing the nature and amount of his demand, and any person failing to deliver such statement at such time shall have no recourse to the provisions of this Act as to the collection of damages.

(b) Upon the receipt of such statement the poundkeeper shall, if the owner of the animal be unknown to him, apply to the reeve or to any one of the councillors of the municipality, or to the nearest justice of the peace, who is hereby authorized and required to summon three disinterested inhabitants of the municipality as appraisers and such three appraisers or any two of them shall, within twenty-four



hours after being summoned as aforesaid, view the ground on which the animal or animals were found doing the damage and appraise the damage committed, and the determination of a majority of the said appraisers shall be conclusive as to such claim and the amount thereof, and they shall within twenty-four hours after having made the view give in writing to the poundkeeper a statement of the amount of the damages assessed by them and said amount shall be the amount to be retained by the poundkeeper from the sale of the animal or animals as appraised damages. 1913 (2). c. 21, s. 13.

(c) Each appraiser shall be allowed the sum of \$1.00 as a fee for the appraisement and the amount of such fees shall be retained by the poundkeeper out of the proceeds of the sale of the animal or animals, to be paid by him to the appraisers. 1913 (2), c. 21, s. 13.

8. If the owner of any impounded animal is known to the poundkeeper, as the owner of such animal, the poundkeeper shall poundkeeper, as the owner of such animal, the poundkeeper shall owner a notice in the following form:

"Notice is hereby given that (description of animal impounded giving registered brand, if any, marks and points) was impounded in the pound kept by the undersigned on the (description of place where pound is located) on the.....

Given under my hand at.....this.....  
day of .....A.D. 19.....

.....  
(Signature of Poundkeeper)

"To.....  
....."

(If claim for damages shall have been made the poundkeeper shall embody in the said notice the following, or to the like effect):

"Notice is also given that a claim for damages to.....  
the amount of..... has been made by  
.....and that if you wish to have  
this claim appraised you are required, within three days from the  
receipt of this notice, to notify me to that effect, otherwise the claim  
will be taken to be admitted."

(If the owner shall, within three days from the receipt of this notice, inform the poundkeeper of his desire to have the appraisers appointed the poundkeeper shall forthwith apply for the appointment of appraisers as in section 7 hereof and thereafter the provisions of section 7, as to the appointment, view and award, shall govern. The appraisers shall be allowed the fees set out in section 7 hereof. If the amount of the appraised damages equals or exceeds the amount claimed by the claimant then the amount of the appraisers' fees shall be paid by the owner or retained from the proceeds of the sale of the

animal or animals, but if the amount of appraised damages shall be less than the amount claimed by the claimant then the appraisers' fees shall be paid by the claimant or retained out of the amount due him as appraised damages.)

(2) If the owner shall not within three days from the receipt of the notice that a claim for damages has been made, inform the poundkeeper of his desire to have appraisers appointed, the claim and the amount thereof will be taken to be admitted, and thereafter shall be treated as appraised damages. 1913 (2), c. 21, s. 13.

(3) In case such owner is not known or such owner or person notified shall not within ten days after the posting or delivery of the notice referred to in subsection (1) hereof appear at the pound and release the animal so impounded by the payment of the appraised claim for damages, the poundkeeper's fees and mileage and allowances, and the appraisers' fees, where the same are due under this Act, the poundkeeper shall cause to be inserted once each week for two consecutive weeks in some newspaper circulating in the municipality a notice in the following form:

"Notice is hereby given that (description of animal impounded, giving registered brand, if any, marks and points) was impounded in the pound kept by the undersigned on (description of place where pound is located) on the..... day of..... A.D. 19 .....

"Given under my hand at..... this..... day of..... A.D. 19.....

1913 (2), c. 21, s. 13.

(Signature of Poundkeeper)

(3a) A copy of any notice required by this section to be posted or delivered shall be published in one issue of The Alberta Gazette. 1914, c. 9, s. 14.

(4) Every poundkeeper shall without charge, in addition to any copies of any notice which he may be required to post or deliver, post a copy of every such notice in conspicuous place at his pound and in the nearest post office, and shall keep and maintain such notice at his pound during the whole of such time such notice may refer to. 1913 (2), c. 21, s. 13

9. If any poundkeeper impounds or assists, or incites, or employs any person to in-pound any animal or any municipality, unless such animal was an estray or was trespassing upon the poundkeeper's own land, he shall in addition to any civil liability which he may incur by reason thereof be guilty of an offence and liable on summ-

any conviction to a penalty not exceeding \$100.00.

(2) Every poundkeeper shall keep the pound to which he is appointed clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome sustenance, and provide for them such shelter as is commonly provided at the time for animals of similar age and class in the vicinity, and the poundkeeper may send such animals out of his pound at fit times and fit places for grazing or watering, and every poundkeeper shall be responsible to the owner of any impounded animal for all loss or damage occasioned by any act or negligence of himself or his agent. An open wire corral shall in no case be regarded as a suitable pound. 1913 (2nd Session), c. 21, s. 13.

10 When any animal shall not have been released from the pound within thirty days after the notice has been inserted for the last time in a newspaper, as is herein provided, the said animal shall be sold by public auction after notice of such sale has been posted for eight days in three conspicuous places within the municipality, one of which shall be the post office nearest the pound, and at such sale the poundkeeper shall be the auctioneer. The sale shall be held at the pound or at such other place as may be designated by by-law of the municipality and shall commence at the hour of two o'clock in the afternoon. The poundkeeper shall not, either in person or by his agent, purchase any animal at such sale or have any interest of any kind in any animal so purchased. 1913 (2nd Session), c. 21, s. 13.

(2) No poundkeeper making a sale under the provisions of this Act shall be liable to a penalty for selling without a license as an auctioneer. 1913 (2nd Session), c. 21, s. 13

11. If more than one animal is impounded and the owner thereof is known the poundkeeper shall only sell sufficient of such animals as to satisfy the claims for damages, expenses and fees chargeable against the animals and the owner of the animals shall be entitled to those remaining unsold. 1913 (2nd Session), c. 21, s. 13.

(2) If the owner of the animals is unknown the poundkeeper shall sell all the animals impounded. 1913 (2nd Session), c. 21, s. 13

(3) The poundkeeper shall, immediately after such sale, send to the treasurer a description of the animal or animals sold at such sale, the amount realized and disposition thereof. 1913 (2nd Session), c. 21, s. 13.

12. The proceeds of the sale of any impounded animal sold under the provisions of this Act shall be applicable in payment—

- (a) Of any costs and charges attending such sale;
- (b) Of all sustenance fees;
- (c) To the impounder of such animals the amount due him for capturing and impounding the same; to the claimant for damage done; and of appraisers' fees, if the same shall be



due under the provisions of this Act; and the residue, if any, shall be paid to the owner of such animal, or if not claimed at the time of sale by any such person entitled thereto, to the treasurer of the municipality. 1913 (2nd Session), c. 21, s. 13.

(2) Any money received by the treasurer under the provisions of the next preceding subsection shall be paid to the owner of the animal sold on evidence satisfactory to the council being furnished as to the applicant's title thereto and application therefor being made to the council within twelve months from the date of the sale, otherwise such money shall form part of the general revenue fund of the municipality. 1913 (2nd Session), c. 21, s. 13.

13. Before any by-law for the restraining of animals at large shall be finally passed by the council of any municipality, the council shall cause a copy of the proposed by-law to be posted up in each of at least fifteen conspicuous places in the municipality, one of which shall be the office of the secretary-treasurer, and shall upon the completion of the posting of such copies, cause to be inserted in some newspaper published in the municipality, or if there is no newspaper published therein, in some newspaper having a circulation therein, a notice in the form following or to the like effect:

"Public notice is hereby given that there has been introduced in the council of the municipal district of..... No....., a by-law of which the following is a short synopsis (here insert short synopsis of by-law) and that a copy of the same may be seen in each of the following places (here insert list of places at which by-law may be seen) and further that unless within thirty days from the publication of this notice at least ten resident electors of the municipality petition the council to submit such by-law to the vote of the resident electors of the municipality the council will proceed to pass the same.

1914, c. 9, s. 15. "Secretary of the Municipality of.....No....."

(2) If within thirty days from the publication of such notice any ten resident electors of the municipality petition the council to submit such by-law to the vote of the resident electors of the municipality, the same shall be so submitted before it is finally passed and the proceedings for taking such vote shall be substantially in the manner hereinafter provided for the taking of votes on debenture by-laws, and such by-law shall be declared carried if it receives the approval of two-thirds of the resident electors voting thereon. 1913 (2nd Session), c. 21, s. 13; 1914, c. 9, s. 15; 1919, c. 52, s. 40.

(3) Where such by-law is made applicable to a portion or portions only of the municipal district, the resident electors of that portion or portions shall alone be entitled to petition the council under this section and to vote on such by-law, and copies of such by-law shall,

in the manner set out in this section, be posted in such portion or portions only (except that this copy required to be posted in the office of the secretary-treasurer shall be posted therein wherever the same is situated) and inserted in a newspaper published in such portion or in any such portions, or having a circulation therein as the case may be, and all the provisions of this Act respecting such vote and all matters connected therewith shall in such case apply mutatis mutandis to such portion or portions. 1918, c. 49, s. 33.

(4) Where such by-law provides for animals being restrained for only a portion of the year the council may, by by-law, shorten or lengthen the period of time during which animals are restrained, and it will not be necessary for such by-law to be advertised or submitted to a vote of the resident electors; provided, however, that such amending by-law shall only apply to the year in which it is passed and shall not shorten or lengthen the period of time in question by more than one month. 1919, c. 52, s. 40.

(5) Any by-law passed under the provisions of section 206 of this Act must be submitted to the Minister and his approval obtained before the by-law is advertised and voted on as provided for herein. 1919, c. 52, s. 40.

14 The following shall be the tariff of the poundkeeper's fees in accordance with the provisions of this Act :

For each stallion or jack.....	\$ .50
For each bull.....	\$ .50
For each other animal.....	\$ .25

Provided that the total poundkeeper's fees not including commissions on sale, shall not exceed \$10.00 and disbursements for advertising.

For posting notices, each such notice to include all such animals impounded at one distress.....\$1.00

For notice in newspaper, actual cost

For selling impounded animals, as directed by by-law, 2½ per cent. commission on the amount realized on the sale

For attending of summonses and serving same on appraisers 25 cents each and 10 cents per mile one way for each mile necessarily travelled.

(b) To the poundkeeper for the care and sustenance of each animal for each period of twenty-four hours after the impounding thereof (any lesser period last before such animal's removal from the pound being deemed a full period of twenty-four hours.) 1918, c. 49, s. 34.

For each stallion or jack.....	\$1.00
For each bull.....	.75
For each other animal.....	.50

(c) To the owner or tenant of any land in the municipality for capturing and impounding a stallion or bull of one year old or up-

wards at large contrary to any municipal by-law \$5.00, and on receiving settlement or realizing from the sale such amount shall be paid over by the poundkeeper to the person entitled.

(2) Such fees and no others shall be paid for such purposes.

(3) Nothing contained in this Act shall deprive the owner of any animal impounded of any action, remedy or right that he might have at common law or otherwise by reason of said animal being unlawfully impounded. 1913 (2nd Session), c. 21, s. 13.

15 The Provisions of the Stray Animals Ordinance, the Entire Animals Ordinance, the Herd Ordinance and the Pound District Ordinance, shall cease to be operative within the said Municipal District on the coming into force of this by-law.

DONE AND PASSED IN COUNCIL this.....day  
of.....A.D. 19.....

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Reeve.

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Secretary-Treasurer.

Jan. 8th, 1920.

APPROVED as provided for by Sub-section  
5 of Section 214 of the Municipal District  
Act.

**J. H. LAMB.**

Deputy Minister of Municipal Affairs.







